

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CONVERGENT COMMUNICATIONS, INC.

\_\_\_\_\_  
ALLEGED VIOLATION OF KRS 278.020  
AND KRS 278.160

)  
)  
) CASE NO.  
) 93-102  
)  
)

O R D E R

On December 23, 1992, Convergent Communications, Inc. ("Convergent") submitted an application for a Certificate of Public Convenience and Necessity to provide intrastate telecommunications services within the Commonwealth of Kentucky.<sup>1</sup>

In response to an Order dated February 5, 1993, Convergent indicated it has provided service in Kentucky without Commission approval. Convergent's response is attached hereto and incorporated herein as Appendix A.

Accordingly, the Commission finds a prima facie case has been established that Convergent has failed to file its application for a certificate to provide service and its tariff with the Commission prior to collecting compensation for such utility service resulting in a violation of the provisions of KRS 278.020 and KRS 278.160.

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<sup>1</sup> Case No. 92-562, The Application of Convergent Communications, Inc. for a Certificate of Public Convenience and Necessity to Provide Intrastate Telecommunication Services.

IT IS THEREFORE ORDERED that:

1. Convergent, represented by counsel, shall appear on April 16, 1993, at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky and be prepared to show cause why Convergent should not be penalized pursuant to KRS 278.990 for failing to comply with KRS 278.020 and KRS 27.160 and directed to refund all monies collected for the unauthorized service pursuant to KRS 278.160.

2. Any motion requesting that the formal hearing be cancelled shall be filed by April 13, 1993.

3. Any motion requesting an informal conference with Commission Staff shall be filed within 10 days of the formal hearing date.

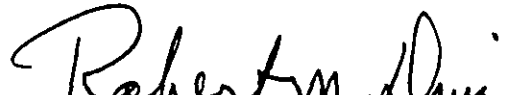
4. Convergent shall immediately stop charging for any and all telecommunications services within the Commonwealth of Kentucky.

Done at Frankfort, Kentucky, this 29th day of March, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director

## **APPENDIX A**

**APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 93-102 DATED MARCH 29, 1993**